

JC03 Rec'd PCT/PTO .1 0 AUG 2001

## VIA FIRST CLASS MAIL

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Innette CrossonIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Elisabetta Padovan et al.  
Serial No. : 09/869,027  
Filed : June 22, 2001  
For : PENICILLINS AS PHARMACEUTICALS FOR THE DOWN  
REGULATION OF IFN $\gamma$  PRODUCTION  
Examiner : UNKNOWN  
Group Art Unit : UNKNOWN

August 2, 2001

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

**LETTER-  
RESPONSE TO NOTIFICATION OF  
MISSING REQUIREMENTS**

SIR:

In response to the Notification dated July 26, 2001, a copy of which is attached, transmitted is an executed declaration/power of attorney form.

No fees are believed due. If this is not correct, please charge these to Deposit Account 500624.

Respectfully submitted,

**FULBRIGHT & JAWORSKI L.L.P.**

By

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U.S. APPLICATION NO.  
09/868982

FIRST NAMED APPLICANT

MARIN

J

ATTY. DOCKET NO.

9392-020-999

INTERNATIONAL APPLICATION NO.

PCT/US99/30641

I.A. FILING DATE

22 DEC 99

PRIORITY DATE

22 DEC 98

PENNIE & EDMONDS  
1667 K STREET N W  
WASHINGTON, DC 20006

DATE MAILED: 26 JUL 2001

**NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION**

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America. The period within which to correct the deficiency noted below and avoid abandonment is set in the accompanying Notification.

A new oath or declaration, properly identifying this application (preferably by the international application number and international filing date) is required. The oath or declaration does not comply with 37 CFR 1.497(a),(b) and (f) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the application to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

**FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b), AND 1.497(d) WHERE APPROPRIATE, WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.**

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate for which a claim for priority is made pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.

Christine Washington

Telephone: 703-305-3752

19 Recd. 10 AUG 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

FULBRIGHT & JAWORSKI LLP

ATTY. DOCKET NO.

U.S. APPLICATION NO.

NEW YORK DOCKETING

HUBR-1190(10104965)

09869027

Docketed by: ADON, No. 1190/1190

INTERNATIONAL APPLICATION NO.

Previously ☐ Updated ☐

PCT/EP99/10378

Docket No: HUBR 1190/1190

Action: Missing Parts

I.A. FILING DATE

PRIORITY DATE

Reminder: 8/26/2001

23 DEC. 99

23 DEC. 98

Date: Due Done 9/26/2001

DATE MAILED 26 JUL 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application.
- ☒ Oath or Declaration of inventors(s).
- ☒ Copy of Article 19 amendments.
- ☒ Priority Document.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☒ Translation of Annexes to the International Preliminary Examination Report into English.
- ☒ Indication of Small Entity Status.
- ☐ Translation of the international application into English.
- ☐ Translation of Article 19 amendments into English.
- ☒ Other: IB 331, ISA/210-REFERENCES, PREL. AMENDMENT

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee.
- ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- 6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
- 7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☒ PCT/DO/EO/917  
☐ PTO-875

☐ Notice of Defective Translation  
☐ PCT/DO/EO/920

CHRISTINE WASHINGTON  
Telephone: 703-305-3752

FORM PCT/DO/EO/905 (March 2001)

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01 JUL 2001 11:42  
JAWORSKI, LLP